

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, individually, and on behalf of all others similarly situated,	§	
	§	
	§	
Plaintiffs,	§	Civil Action No.
	§	
v.	§	4:21-CV-01074-P
	§	
UNITED AIRLINES, INC.,	§	
	§	
Defendant.	§	

**DEFENDANT’S ADVICE TO THE COURT
REGARDING DURATION OF TEMPORARY UNPAID LEAVE**

At the hearing on October 13, 2021, the Court inquired about the potential duration of unpaid leave for United Airlines’ customer-facing employees (pilots, flight attendants, and customer service representatives) with an approved religious or medical accommodation. United’s witnesses testified that any employees placed on temporary unpaid leave will be welcomed back once the pandemic “meaningfully recedes,” and that the airline is working on specific metrics to define when that would be. ECF No. 76-2 at 6.

After consultation with outside experts, United has now determined what those metrics will be. Earlier today, October 25, 2021, United issued a notice to all accommodated customer-facing employees that the duration of leave will be based on the COVID-19 community transmission rates and nationwide daily case counts published by the Centers for Disease Control.¹ A complete copy of the notice is attached as Exhibit A.

¹ As United has previously advised the Court, the airline is bringing back non-customer facing employees in airport operations under a new testing and masking protocol. ECF 77 at 5 n.1. Non-operational, non-customer facing employees were previously offered accommodations such as remote work. ECF No. 76-2 at 5.

In short, as the notice states, the standard for customer-facing ground employees will be based on reaching “moderate” community transmission rates for at least 21 days in the state where each employee works. The standard for flight crew will be based on nationwide daily case counts (no more than 10,000 new cases per day for at least 21 consecutive days on a rolling 7-day average). By linking return to work for accommodated employees to community transmission rates and case counts, these standards are designed to account for the unpredictable and highly variable nature of the pandemic. As conditions continue to change, United will continue to reassess these metrics and update its employees accordingly.

Dated: October 25, 2021

Respectfully submitted,

/s/ Jordan M. Matthews

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

On October 25, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jordan M. Matthews
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